

ACDA/IR:CGleysteen

(Drafting Office and Officer)

2/3/69

DEPARTMENT OF STATE

Memorandum of Conversation

1030

App'd in S 2/4/69

DATE: February 3, 1969

SUBJECT: Part I - FRG Request for Consultations on NPT

PARTICIPANTS: His Excellency Rolf Pauls, Ambassador of Germany  
Mr. Carl Lahusen, Counselor, Embassy of Germany  
The Secretary  
Alexander C. Johnpoll, Acting Country Director, EUR  
Culver Gleysteen, Deputy Assistant Director, ACDA/IR

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Ambassador Pauls said he had been instructed to present some views of his government on the Non-Proliferation Treaty. He recalled that Chancellor Kiesinger had given a TV interview in January in which he had said that the Soviet claim of the right of intervention in the FRG under the Potsdam Agreement and the UN Charter "enemy states" Articles on the one hand and the fact that the Soviet Union was asking the FRG to sign the NPT on the other creates a difficult situation. In his talks with Lodge before the latter's departure, the Chancellor said this problem was the major stumbling block to German adherence to the NPT, although some minor problems also remained.

Ambassador Pauls stated that Foreign Minister Brandt had a conversation with the Soviet Ambassador in Bonn on January 10 at which time he made the point that it would be easier for the FRG to sign the NPT if the Soviets gave an assurance that the FRG would not be discriminated against but treated as other Parties to the treaty. The Ambassador commented that Germany favors non-proliferation not only in principle but as a practical matter: It is the only country

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to have made an undertaking not to manufacture nuclear weapons and would like to have other countries placed on the same footing as itself. He said the FRG favors both horizontal and vertical non-proliferation. Hence the FRG has contributed to the negotiations on the NPT in a constructive way. It is approaching accession to the treaty in the same spirit. It must view the treaty in the context of its overall policy, with special reference to the FRG's relationship with the Soviet Union because of the problem mentioned above. The FRG must expect the same obligations and rights under treaty and without any discrimination.

The Ambassador said Soviets claim a special right to intervene under the Potsdam accords and the UN enemy states clauses. The Ambassador cited various Soviet notes in which the Soviet position was outlined, ending with a note dated July 5, 1968. More recently the Germans have noticed a certain change in nuance. In January the German Ambassador in Moscow had a conversation with the Chief of the International Organizations Department of the Soviet Foreign Ministry. This Soviet official stated that the Soviet commitment not to use force derives from the UN Charter, but until there is a German peace treaty, Articles 53 and 107 of the Charter and the Potsdam agreements remain the bases for the Soviet Union's relations with the FRG. However, as far as the peaceful uses of nuclear energy are concerned, there would be no discrimination against the FRG in the NPT.

The Secretary commented that the picture was confusing.

Ambassador Pauls then offered the FRG proposal: That assurances be sought from the Soviets that Article II of the UN Charter would apply to the FRG without any reservations once the FRG adheres to the NPT. The Ambassador stated that the FRG was not concerned with the actual use of nuclear weapons since the FRG is protected by an alliance.

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The statement made by the US on September 17, 1968 had been helpful in this connection. However, the FRG remained concerned about the threat of the use of nuclear force.

The Ambassador stated his instructions were to request the US to examine this demand and to consult on how best to gain satisfaction. The Germans had two operational ideas -- one was that their Ambassador in Moscow should raise the question with the Soviet Government; the other was that the US might take some parallel action in support of the German effort. This would be an important help to the FRG when it raises the matter with the Soviets. He wished to obtain our reaction as soon as possible.

The Secretary asked whether the FRG would raise the matter in Moscow fairly soon. Ambassador Pauls said that they hoped to do so as soon as the FRG position could be coordinated with ours.

The Secretary said he wished to make a few preliminary comments. He said that the President would be sending a message to the Senate this week on the NPT requesting prompt and favorable action on the treaty. He commented that the NPT had been inherited from the previous Administration and the project had become pretty well jelled before the present Administration took office. He said this of course should not be interpreted as any reluctance on the part of the Administration to proceed with the treaty. He noted that Senate action would not complete our ratification process and there would still be come time to consult with our allies before our instrument is deposited. The Secretary said we would take the FRG suggestion under consideration.

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